

Application No: 10/578,043

MBHB No: 11-840-PCT-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
V. Sandig, et al.)	Group Art Unit: 1633
)	
Application No.: 10/578,043)	Examiner: Leavitt, M.G.
)	
Filed: January 9, 2008)	Confirmation No.: 5415
)	
For: Immortalized Avian Cell Lines for Virus)	
Production)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION REGARDING 12A07-A10 (DSM-ACC2695)
CELL LINE DEPOSIT UNDER 37 CFR §1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Volker Sandig as Chief Scientific Officer for ProBioGen AG, the assignee of the above-referenced application, hereby declare that the cell line 12A07-A10 (DSM-ACC2695) have been deposited under the terms of the Budapest Treaty with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ), Mascheroder Weg 1b, D-38124 Braunschweig, Germany, on October 20, 2004. The Deposit Receipt is attached as Exhibit A. The viability of the cells were tested on October 25, 2004. The Viability Report is attached as Exhibit B. The cell line has been assigned Accession Number DSM-ACC2695. All

restrictions imposed by the depositor on the availability to the public of the deposited cell line will be irrevocably removed upon the granting of a patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 09/05/2011



Printed Name
Reg. No. HRB 747150
ProBioGen AG
Goethestr. 54
13086 Berlin
Germany
Dr. Volker Sandig
CSO

Exhibit A

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE



INTERNATIONAL FORM

ProBioGen AG

Goethestr. 54

13086 Berlin

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: 12A07-A10	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2695
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: (x) a scientific description () a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2004-10-20 (Date of the original deposit) ¹ .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2004-11-03

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

Exhibit B

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE



INTERNATIONAL FORM

ProBioGen AG
Goethestr. 54
13086 Berlin

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: ProBioGen AG Goethestr. 54 Address: 13086 Berlin		Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2695 Date of the deposit or the transfer ¹ : 2004-10-20	
III. VIABILITY STATEMENT			
The viability of the microorganism identified under II above was tested on 2004-10-25 On that date, the said microorganism was <input checked="" type="checkbox"/> ² viable <input type="checkbox"/> ² no longer viable			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED ⁴			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2004-11-03	

- ¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
² In the cases referred to in Rule 10.2(a) (i) and (ii), refer to the most recent viability test.
³ Mark with a cross the applicable box.
⁴ Fill in if the information has been requested and if the results of the test were negative.